



*International Journal of Contemporary Economics and  
Administrative Sciences*

ISSN:1925 – 4423

Volume :1, Issue:2, Year:2011, pp.123-140

## **Occupational Health and Safety Issues in Turkey and European Union: A Comparative Study in The Context of Turkey's Path Towards EU Membership**

**Nesrin DEMİR<sup>1</sup>**

Received: February-2011, Accepted: June-2011

---

### ***Abstract***

*The matter of Occupational Health and Safety (OHS) appears as an important problem all over the world. A wide range of people die or become disabled because of occupational accidents and professional diseases every year. According to International Labour Organization's (ILO) records, approximately 270 million occupational accidents occur, 160 million people suffer from illness originated from working and 2 million and 200 thousand people pass away due to the occupational accidents and professional diseases each year.*

*Coming out occupational accidents and diseases as a major problem in our country like in the world, So the regulations and investments about ISG has been given intensity.*

*Council of the Ministers of EU has admitted detailed directives that lay out the OHS up till now. There is a comprehensive EU legislation in the field of OHS. Turkey began the EU membership negotiations on 3th October 2005 and arranged laws in field of OHS to adapt principles of EU; carried out applications intended to enhancing the awareness of OHS.*

*In Turkey, applications about OHS dates back pre-construction of EU. The first applications about OHS began after Reforms( the political reforms made in the Ottoman State in 1839). The first legal arrangement in this field was " Regulations of Dilaver Pasha." It was prepared about workers who worked as a miner in Zonguldak coalmine. The arrangements proceeded after the announcement of Republic as well. But the most comprehensive and detailed arrangements have been done in the process of*

---

<sup>1</sup> Assist.Prof.Dr., Faculty of Economics and Administrative Sciences, Department of Labour Economics and Industrial Relations, Pamukkale University, Turkey, [ndemir@pau.edu.tr](mailto:ndemir@pau.edu.tr) , This study was supported by ROWER (Repository of Occupational Well-being Economics Research) project and was presented in the conference named "2nd ROWER Conference on Occupational Health and Safety Economics, in Sinaia, Romania, 27-30 April 2011.

*EU membership negotiations. The EU membership process started in 1963 with Turkey signed the Ankara Treaty .The EU membership is expected to reach conclusion in the process of negotiations by ensuring compliance. As a part of this process, Turkey has been creating convenient structures in the field of OHS depend on EU standards.*

**Keywords:** Occupational, Health and Safety, Regulations, Laws, European Union

**JEL Codes:** J8

---

## **1. Introduction**

The matter of Occupational Health and Safety (OHS) appears as an important problem all over the world. A wide range of people die or become disabled because of occupational accidents and professional diseases every year. According to International Labour Organization's (ILO) records, approximately 270 million occupational accidents occur, 160 million people suffer from illness originating from working and 2 million and 200 thousand people pass away due to the occupational accidents and professional diseases each year.

As is the case with the rest of the world, occupational accidents and diseases form a major problem in our country like in the world, therefore the regulations and investments about ISG has been given intensity.

Council of the Ministers of EU has adopted detailed directives that lay out the OHS up until now. There is a comprehensive EU legislation in the field of OHS. Turkey began the EU membership negotiations on 3th October 2005 and arranged laws in field of OHS to adapt principles of the EU; carried out applications intended to enhancing the awareness of OHS.

In Turkey, applications about OHS have started far before the construction of the EU. The first applications about OHS began after Reforms. The first legal arrangement in this field was "Regulations of Dilaver Pasha." It was prepared about workers who worked as a miner in Zonguldak coalmine. The arrangements proceeded after the announcement of Republic as well. But the most comprehensive and detailed arrangements have been done in the process of EU membership negotiations.

The EU membership process started in 1963 with Turkey signed the Ankara Treaty .The EU membership is expected to reach conclusion in the process of negotiations by ensuring compliance. As a part of this process, Turkey has been creating convenient structures in the field of OHS, depending on EU standards.

## **2. Occupation Health and Safety in EU**

### ***2.1 Historical Background***

The EU, which first emerged as an economic association by founding of European Coal and Steel Community (ECSC) in 1951, became a political association later during the ongoing process. Even until the Paris Summit (1972), it had been observed that EU did not concentrate on social policy. In the Paris Summit, it was stated that social policy carried the same value with economic union and monetary union. Thus, the necessity of improvement in the field of social policy was emphasized. In the concept of Social Policy Action Programme prepared during the Summit, The subject title of "Improvement of Living and Working Conditions and the Creation of Facilities to Provide More Advanced Adaptation " was taken on the agenda.

In 1974 a consultation committee was established assisting the commission to perform the various arrangements in this area and For protecting health, hygiene and safety in the workplaces; the first action programme related to the matter was accepted in June 1978 and the second one was accepted in June 1983. (Hermans, 2001:34-36)

The first measure programme about OHS was accepted with the directive no 80/1107 in 1978. This programme aimed to provide the protection against dangerous substances. European Social Charter (a Community Charter Concerning Substantive Rights of Workers) was accepted in 1989., Within the framework of a new approach to OSH , the Directive No 89/391/EC was adopted about health and safety conditions at work on 12 June 1989. The difference of new approach from the old one was focusing on new risks associated with changes in business world and society rather than focusing on the legislation. ( Hermans: 35-37)

To improve new approaches in the field of OSH, European Foundation for the improvement of living and working conditions ( EUROFOUND) was established in 1975 and (OSHA) European Occupational Safety and Health Agency was established in 1994.

By being revised workplace health and safety within the scope of Lisbon Strategy at European Council Summit on 23-24 March 2005, running of a strategy plan was decided about discussing on new threats related with safety between 2007-2012 and keeping minimum level of them and fulfillment of “less accident more efficiency” principle. (Aydın, 2005:12-14) Within the

framework of the Strategy Document, titled "Occupational Health and Safety Strategic Action Programme 2007-2012" it was aimed to reduce work-related accidents by 25 percent at the end of a 5-year period and to make arrangements for flexible working manners in the 27 European Union (İlter, 2008:7-9)

## ***2.2 General Occupation Health and Safety Laws in European Union***

In the field of social policy a lot of issues are still being handled at the level of member states in EU, but besides this, with economic and monetary confederacy, integration process has gained new speed. In addition to that, social and economic developments leads to an increase in the Union regulations in this area. OHS is one of the fundamental issues of European Union's social policy and is focal point of EU's new strategy 2007-2012 (Baetens, 2006:1-3). In this sense, social policy generates a very dynamic field which extends with directives and bylaws in EU acquits. (Aydın, 2005:5)

- *Framework Directive (The Council Directive related with taking precautions supporting for promotion of worker's health and safety at occupation):* Framework Directive is the one, which should be handled firstly, concerning OHS's main arrangements (12 June 1989 dated, Council Directive related to Taking Precautions that Supports the Safety and Development of the Health of Workers at Occupation, 89/391/EEC). Directive was revealed to provide a high level of protection to workers as a result of taking preventive measures against occupational accidents and occupational diseases.
- *The Council Directive related to arranging working hours in order to protect Occupational health and safety :* Within the scope of the Directive, shift work, night work, annual leave, weekly off, holidays and mid-day permit issues are evaluated. (The Council Directive related to arranging working hours in order to protect occupational health and safety) (2003/88/EC).
- *The relevant Council Directive with Social Programme 2007-2013 (PROGRESS) For Employment and Solidarity :* PROGRESS Programme was formed to ensure a healthy structure for employment and solidarity supported by European Union funds. (The Council Directive related to programme 2007-2013 (PROGRESS) for employment and solidarity (1672/2006/EC).

- *The Law about The Agency of European Occupational Health and Safety Agency(OSHA):* The Agency of European Occupational Health and Safety was established on the purpose of providing data for member states and related foundations(18 July 1994 dated Council Directive about The Agency of European Occupational Health and Safety Agency (2062/94).
- *The Law about European Foundation for The Improvement of Living and Working Conditions (EUROFOUND):* Donation was established to arrange and improve the living and working conditions in Europe (26 May 1975 dated law related to the Foundation for The Improvement of Living and Working Conditions (1365/75).
- *The Law about European Profession Diseases Programme:* European Profession Diseases Programme was established for 3 goals(19 September 2003 dated Law about European Profession Diseases (2003/670/EC).

### **3. Occupation Health and Safety in Turkey**

#### **3.1 Historical Background**

Industry and trade that are concerned with fine arts and crafts had developed a lot until the Industrial Revolution in Ottoman Empire. Craftsmen and artisans conducted the activity depending on the Organization of the guild (Lonca). Like all over the world, the first approaches in Turkey related to OHS have emerged at the beginning of industrialization. Republican Era is a period bringing significant developments in terms of the recognition of Worker protection and labour rights. At the first Economic Congress which was gathered after the announcement of Republic in 1923, a series of decisions were taken on purpose of protecting workers. (Talas,1992:42-44)

In 1926 the Law of Obligations passed. This law is very important in terms of labour law, because as a general law regulating the relations between debt service contract, it includes regulations between the worker and the employer in the debt the relationship established. In the year 1930, Law on General Protection of Hygiene (Umumi Hıfzısıhha Kanunu) passed. (Makal,1999:342-344). Since the purpose of this law bringing a variety of preventive public health measures, did not make the arrangements for OHS field, it had an indirect quality in terms of OHS. The first labour law was adopted in 1936. Bylaws and regulations were prepared about OHS in order to ensure the implementation of the 1936 Labour Law and then it was put into force. First

job security bylaws were passed in 1941. In order to enable applying of 1936 dated Occupation Law, rules related to OHS were made and entered into force. The first Occupation place Safety Rule was adopted in 1941. Heavy and Dangerous Works bylaws (1948) followed this. (Arıcı,1999:45-47)

In 1945, Workers Insurance Foundation was established with the law no 4292. In 1947, the syndicate right was given to workers and employers. By 1967, the Labour Law which entered into force in 1936, had become inadequate against social and economic developments. Therefore the Labour Law No. 1931 was accepted instead of it. After the process of 1982 Constitution, remarkable developments in the field of OHS has been carried out in compliance with the EU accession process. Labour Law No. 4857, which has replaced the Labour Law No. 1475 implemented since 1971, brought significant changes in business relationships, entering into force on 10 June 2003, (Çilengiroğlu,2002:32-34). The new law aimed to respond to the difficulties encountered in practice and had been prepared taking into consideration the EU and ILO norms. It brought more detailed provisions, which are more protective than those of Labour Law No. 1475 in the area of OSH.

### ***3.2 General Occupational Health and Safety Laws in Turkey***

- *Regulation on Occupational Health and Safety* : Occupational Health and Safety Regulation was the first Regulation to ensure compliance with the EU acquis. It was prepared with one by one translation of Council Directive 89/391/EEC in order to be taken improved precautions towards workers' health and safety during work (OG, 09.12.2003:25311).
- *Regulation on Working Hours concerning Labour Law* : It was arranged on the purpose of arranging working hours principles. It entered into force in 06.04.2004 (OG, 06.04.2004:25425).
- *The Regulation of Business Law related with more working and Overtime Working periods*: Because of some reasons such as increasing the production, general benefits of the country and the quality of the work, it was aimed to regulate original data relevant with more working and working overtime periods, apart from the normal weekly working time taking place in Labour Law No. 4857. Clause in no. 4857 Occupation Law. (OG, 06.04.2004:25425)

- *Regulation of Working Hours which can't be divided into Weekly Workdays* : It is arranged to regulate procedures and principles which will be applied to period of study and work periods about some jobs with no possibility in terms of the qualifications of time of job by dividing working days of a week such as; transportation services on Highways, railways and moving vehicles in sea, lakes and rivers and transportation services which are not included in the Maritime Labour Act. No. 854, entered into force on 06.04.2004. (OG, 06.04.2004:25425)
- *Regulation about Jobs which are required to work for 7.5 hours or less than 7.5 hours a day in terms of health rules* : It is organized to regulate the maximum working time for the workers working at certain works in terms of health rules. It entered into force in 05.04.2004 (OG,05.04.2004:25434.)
- *Annual Paid-Permits Regulations* : It is aimed to determine the procedures and principles of annual paid-permits to be given workers by employers. It entered into force in 03.03.2004 (OG,03.03.2004:25391)
- *The Regulation of the Procedures and Principles about Staff's Occupational Health and Safety Training* : It is designed to determine the procedures and principles of OHS training provided by employers to employees in establishments. (OG,01.09.1971:13943.)
- *Preparation, Completion and Cleaning Affairs Regulation*: Its aim is to specify the working conditions of preparation, completion and cleaning affairs in order to carry out the occupation effectively, safely and properly in a work office. It entered into force in 28.04.2004 (OG, 28.04.2004:25446.)
- *Regulation on The Certificate of Management* : it is designed to determine the procedures and principles about the issue of certificate of management.( OG, 04.12.2009:27422.)
- *Regulations on Stopping Action in Workplaces and Closing of Workplaces*: It regulates the decisions about issues such as under which conditions the usage of machines and engines that are dangerous for workers in the workplaces should be prohibited and on which conditions the running of workplaces can be allowed again; the opening of businesses after being closed; under which conditions precautions that should be taken in emergent situations until the closure of the work place or stopping the

work; choosing the employers' and workers' delegate that will work for the Committee and deciding their qualities and to determine the procedure and principles of the Committee (OG, 05.03.2004:25393.)

- Regulations on Occupational Health and Safety Commissions: It is designed to determine at which workplaces OHS committees will be installed and the formation of these committees, working techniques, mission, and obligations in order to make the study of OHS (OG, 07.04.2004:25426.)

- Workplace Health and Safety Units and Common Units of the Regulation on Health and Safety: It is arranged to regulate the principles and procedures such as workplace practitioners who will be assigned in a common health and safety unit with workplace health and safety unit, the qualifications of job security experts, their numbers, their assignments, their duties, their responsibilities, their working conditions, their training and certification, the workplace health and safety units that will be installed in the workplace with characteristics of common health and safety units, personnel, equipment, apparatus and equipment that there should be in these units, qualifications and training of personnel assigned, the reception of the service from public health and safety units (OG, 15.08.2009:27320.)

- Regulation on Heavy and Dangerous Stuff: It is adopted in order to specify the provisions such as which tasks are accepted as heavy and dangerous jobs and at what kind of heavy and dangerous works for women and young workers who between the ages of 16 and 18 (OG, 16.06.2004:25494.).

#### **4. Practices Oriented to Increase the Awareness of Occupational Health and Safety**

Various projects have been prepared for most institutions that are participated in the project with the funds provided by the EU on the purpose of society awareness in the field of OSH and the implementation of the new legislation. In order to gain experience in the issues about the implementation of Regulations in the process of membership and having benefit from the expertise of the member countries to EU, the projects have been developed and they are called as "Pairing (Twinning) Projects". Some of the projects fall under this category:



- Twinning Project for Strengthening of Labour Inspection System (Turkey-Germany)  
(<http://www.abgs.gov.tr/index.php?p=84&l=1/15.4.2011>)
- Personal Protective Equipment Twinning Project (Turkey-Finland) (İSG,Şubat2005) (<http://www.resmi-gazete.org/gundem/duyurular/calisma-sosyal-guvenlik-bakanligi/calisma-ve-sosyal-guvenlik-bakanligi-2009-yili-faaliyet-raporu.html/07.4.2011>)
- Construction Industry Occupational Health and Safety Twinning Project (Turkey-Malta)  
([http://www.ksgm.gov.tr/Projeler\\_tamam\\_eslestirme.php/16.4.2011](http://www.ksgm.gov.tr/Projeler_tamam_eslestirme.php/16.4.2011))
- Twinning Project for Gender Equality in Employment (Turkey-Netherlands) <http://projeler.tisk.org.tr/iep.asp/07.04.2011>)
- Occupational Health and Safety Improvement Project in Turkey - İSAG Project(<http://projeler.tisk.org.tr/iep.asp/15.04.2011>)
- Strengthening of the social dialog, for Social Change and Innovation Turkey(<http://projeler.tisk.org.tr/iep.asp/15.04.2011>)

EU Strategy Paper 2002-2006 is emphasized that training and sensitivity about OHS should be increased from a young age in relation to OHS culture . For this purpose, In the EU "for all young people", before 2010, "in all educational institutions" it is aimed to be provided at least 8 hours of OHS training. In this context, OHS training has gained a special importance in Turkey's EU membership process and it is aimed to be adopted by all segments of society. (Yılmaz,2007:30-32)

Seminars have been also held besides projects. Some of these seminars were organized by the Technical Assistance Information Exchange Office (TAIEX). TAIEX is a mechanism that has been implemented by European Commission DG Enlargement Institution Building Unit. TAIEX helps the beneficiary countries at the stages of transferring the EU legislation, implementation and enforcement. This largely guided demand mechanism directs the request of help and supplying contribution to be ensured the most appropriate experts for short-term solution

( <http://www.abgs.gov.tr/index.php?l=1&p=42118/24.07.2009>)

- TAIEX Seminar on Gender Equality and the Protection of Women Workers (2-3/6 / 2008)

- Construction Industry Occupational Health and Safety Seminar (16/10 / 2008) TAIEX Seminar on the Protection of employees in Chemical and Paint Industries against hazards in working environment (4-5/11 / 2008) TAIEX Seminar on the Protection of employees in shipyards against hazards in working environment (6-7/11 / 2008)
- Symposium on Risk Assessment (12/03/2008)
- Reader Training Seminar on International ILO radiographs of pneumoconiosis (25-29/5 / 2009)

In the national and international level ; not only The prepared projects and seminars but also many projects, collaboration, and the campaign were conducted to enhance awareness of OHS, and the documents were prepared to inform the social partners.

## **5. Changes Targeted**

Turkey has set a timeline for the changes about compliance during the negotiation process. It is determined targets planned to reach about Turkey's OHS 2009-2013 in "National Occupational Health and Safety Policy Paper II (2009-2013)"

### ***5.1 Putting into Force of the Law on Occupational Health and Safety***

The first of the goals of Turkey's OHS is to complete the related legislation studies and to put into force the OHS Law. Secondary legislation studies proper to EU norms (regulations, notification, etc..) will be completed when the Law mentioned has been put into force . Depending on our signing in accordance with Convention No. 155 "National Occupational Health and Safety Council" Founded in 2005 took the decision to prepare a draft of "Occupational Health and Safety Act" and then the draft has been prepared in accordance with this decision.

([http://www.isggm.gov.tr/files/pol\\_bel\\_2009.doc/24.07.2009](http://www.isggm.gov.tr/files/pol_bel_2009.doc/24.07.2009))

- In the draft according to the provisions of this law, some activities have been performed such as industrial, agricultural, commercial, administrative, educational, cultural and etc. and it is stated to be applied regardless of all activity subjects belong to work and workplaces at public and private sector

- The qualities of National Occupational Health and Safety Council (Article 5) are also explained in the draft.
- If there are more than one employers at workplaces (such as job centres), the provision about obtaining the coordination among employers will be brought . The coordination and monitoring task will be given to the actual employer at workplaces where The main employer and sub-employers are working together .
- The required number of employees is removed for Health and safety service .
- The definition of vital danger is used in the current laws, so the exact harmony for EU legislation has been achieved in the draft by using the definition of a serious and imminent threat.
- In the workplace where there are at least ten employees; the employer has an obligation for participation in security-related activities, monitoring activities, asking for taking precaution, making suggestion and supplying authorized to represent employees on similar topics providing one or more persons working as occupation health and safety employee representative.
- Administrative sanctions by the sixth section of the draft contains almost the same provisions of current law but some properties do not comply with the approach to the sanctions of EU legislation like effectiveness, proportionality and deterrence.
- In the draft bill; ensuring labour peace and required structure is created for employee to work in a healthy and safe environment. In our national legislation some points are not compatible with EU legislation and They have been tried to make harmonized.
- There are criticisms come about OHS Law planning to pass an ordinance. It is emphasized that it doesn't contain significant changes in terms of institutional but it becomes a roof for a hierarchical nature of OHS legislation. In addition; it is said that Draft Bill of OSH Law contains errors in terms of content and form ,it should be enacted through social dialogue but it has been hastily prepared without being made that dialogue (Bayram,2008:18-20).

It is clearly seen that priority tasks and targets of the OHS system are not exactly defined. When the draft was examined, various methods of the system aren't ordered systematically and also it isn't given a place to new various methods in the order. Organizational structure of the system is restricted as OHS Committee in the workplace and the Labour Inspection Board out of office. In accordance with EU legislation the people (physician offices, workplace nurses, occupational safety expert, and so on.) and organizations (General Directorate of Occupational Health and Safety, Occupational Health and Safety Centre, Labour and Social Security Training and Research Centre, the Social Security Administration, and so on.) in the workplace and outside and in particular the relationships between them have been excluded from the scope of regulation. System's external relations (with the social partners and environmental systems) have been regulated. Criticisms of this aspect will be justified (Piyal, 2009: 290-292).

### ***5.2 Harmonizing the Occupational Health and Safety Legislation***

Objectives of the regulations to the legislation have been determined "Turkey's National Programme for the Adoption of the Acquis of the European Union" published in the Official Gazette dated 31 December 2008 (OG, 31.12.2008: 27097). The target dates that are aimed to implement are given at the end of the substance as follows:

- The regulation of working conditions of employees working in the air transport (2010),
- Making necessary arrangements in our legislation for under the age of eighteen children who will work in some activities such as cinema, theatre, music, ballet and dance and also in the field of fine arts i.e. the circus, radio, television, movie making, advertising and artistic activities like model (Business Law 71 4857 According to the Article, Employment of children under 15 are prohibited But the Labour Act does not cover all areas of children's occupation.) (2009),
- According to Time-Bound Policy for the Prevention of Child Labour and child labour (working in the street, small and medium-sized heavy and dangerous occupation and family occupation in agriculture, seasonal agricultural occupation ) within the identified target groups in the frame of programme, the prevention of holistic, participatory and multi-sided approach within a period of 10 years (2009),

- Among the specified targets, those belonging to 2009 can not be put into practice . The most important factor these targets can not be reached is that Occupational Health and Safety law has not been accepted yet.
- 20% reduction in the rate of total occupational accidents happened is planned with the implementation of new OHS legislation and the effective dissemination of the service.
- In the light of developments in legislation and the diagnostic system; cases number of occupational diseases which are expected but not detected in our country is planned to increase to 500% by development of sensitivity and knowledge level of the parties concerned with the issue .
- OHS lab and technical services offered by 20% planned to increase the number of employees reached.
- Both the Ministry of Labour and Social Security Council and a member of the National OHS institutions and organizations to carry out all kinds of projects, training, promotion, information and raise awareness activities planned to increase by 20%.

As we have seen a very wide frame of this drawing, the OHS objectives, the importance of the issue focuses on social and legal size.

## **6. Conclusion**

To live healthy is one of the most basic human rights. On this basis, individuals can request from society and government to protect their health. In this context, the health of people's business and ensure the safety against these health-threatening factors is one of the tasks of the state.

Determination of the matters that could harm workers' health in advance, taking measures necessary, Providing a safe and comfortable work environment, the protection of employees' psychological and physical health against work accidents and occupational diseases are possible with OHS practices in work life.

This is a win in terms of not only for individuals themselves but also for society . A society that constitutes healthy people can create a higher level of prosperity and can protect it .

There has been changes in the approach to occupational health and safety with Scientific advances and social developments. One of the most important

directing institutions in this matter is EU. Since the first directive was 1978 No. 80/1107, " Risk on exposure to the Physical, Chemical and Biological Substances in Workplace " The EU has explained in detail with many directives and has drawn legal framework .

By establishment of European Coal and Steel Community in 1951, with their appearance on the scene of history, these states community today has named as the European Union and are rapidly flourishing to have only one political and economic structure. EU has been going on membership talks with Turkey since on 3 October 2005 .

In the process of negotiations, Turkey has been rather harmonizing practices in the field in OSH with the EU legislation. Labour Law No. 4857, re-organized the obligations of employers and workers in the field of OSH. Employment of workers at heavy and risky works is banned without having the relevant professional training. Employers running 50 and more employees have the obligations of employment of workplace physicians and occupational health and safety committee set up in addition to keep the job security experts Applications of Labour Inspection Board have made regularly and its capacity has developed.

Workplace risk assessment approach was adopted to new regulations issued under the law. Making a risk assessment has been the responsibility of the employer. Although there isn't a detailed approach on how to do risk assessment, It has been determined in detail which workplaces will have which risk group.

In the aim of bringing the national legislation of EU into OSH legislation, Special legal arrangements for the first time were made by the regulations published in some areas such as studies with screened vehicles, vibration, manual handling jobs, the risks of exposure to biological factors, studies made in fishing vessels, , or fixed-term temporary jobs, companies drilling from mining. In particular, on the issues such as asbestos , the limit values at EU level on the chemical, physical and biological agents has become mandatory in our country .

The National Occupational Health and Safety Council was established so that the concept of OHS would be supported by civil society organizations and social partners. Council was consisted of social partners (employers and employer associations), universities, non-governmental organizations, other

relevant institutions and agencies for occupational health and safety. Council has been established to create a platform that provides explanations the views and opinions of the parties on the issues of OHS for determination needs, priorities, policies and strategies .

Further efforts are needed for the implementation of laws by the way of awareness raising, increasing the capacity of training and supervision institutions . Studies have been initiated on this subject. The European Union with the official institutions and civil society organizations have been developed many joint projects for awareness in the community on the subject of OHS.

There are still major shortcomings, however, the field of OSH. Occupational Health and Safety Act has not been adopted yet for the transposition of the Framework Directive number with 89/391/EEC into domestic law.

At Labour Law No. 4857 ,employers with 50 and more employees have brought obligation to keep to physicians and safety experts ,set up an OHS committee. In Turkey, SMEs which are employing less than 50 workers at, the employers have been brought the obligation that they must charge personnel and provide them from outside in the field of OHS for providing protective and preventive services.

According to the data of Turkish Republic Ministry of Industry and Commerce Administration of Small and Medium Enterprises Development and Support; That means to keep exclusion of SMEs having share of 99.32 in all business establishments the context of this application and the vast majority of employees in terms of OHS does not have sufficient protection. Establishment of the "Common OHS Units" must be brought into a legal obligation for SMEs.

In the Progress report of 2008 , it has been said, "The current law does not cover all workers in the private sector and leaves out of public sector workers ". Agricultural workers, tradesmen and artisans, and public employees should be taken into the scope of the OHS legislation.

The definition of public servant in Turkish legislation is very broad. In EU countries, some the jobs done by workers are carried out by civil servants in Turkey. Since the law doesn't include the public sector, Employees, who

have been making the works of the workers in the status of civil servant, haven't been protected enough in terms of OHS .

There are also significant problems in Turkey in terms of application. Because of some reasons such as the small number of Control elements, especially the lightness of the sanctions for small and medium-sized businesses and lack of necessary technical equipment ; The deficiencies are seen in the application and in this area the strengthening of institutional capacity and technical assistance are needed.

In the field of OSH , The criticisms are also available about legal regulations to comply with the EU. The creation of the law and regulations by translation of the EU directives directly without taking into account in Turkey condition raises the difficulties in the implementation. Although Draft Occupational Health and Safety Act, should be enacted through social dialogue, brought to hurry, too many errors contained in terms of both form and content are emphasized.

OHS area is one of the world's most dynamic areas. With the development of perspectives in technology and life, new applications have emerged in the field of OSH. EU makes new arrangements about the issue every year, so Turkey has been following this process. Turkey not only makes legal regulations but also improves community awareness , so Turkey is making progress on the realization of this compliance by improving awareness of OHS.

Occupational health and safety are among the social policy issue. In a country that is a fact that the better social policy is applied and the better a dialogue between the social partners , in that country The more increase the health and safety in the workplace occur. Today in the world, the reason for being more advanced in the occupational health and safety in Western Europe should be examined in this regard . When the historical development of Turkey is considered, Turkey has serious shortcomings as a country which has never experienced the industrial revolution in terms of social policy. However, in the process of developing and the framework of the EU accession negotiations , It has been going on taking steps to address these shortcomings .



## REFERENCES

- Arıcı, K., (1999). “Health of Worker and Workplace Safety Lectures”, Ankara.
- Aydın, S., (2005). “Social Policy of European Union”, İKV Publication, İstanbul.
- Bayram, F., (2008). “Supervision of Occupational Health and Safety in Turkish Business Law”, Beta Publication, İstanbul.
- Baentens, K., (2006). “UEAPME SME-Fit II Education Document Workplace Safety and Health ” Editor S. Cüneyt Yeşilkaya, Arda Kezer .
- Çilengiroğlu, O., (2002). “Occupational Health and Safety in Turkey during Negotiation Period with EU ”, Unpublished Post Graduate Thesis, İzmir, Dokuz Eylül University, Institute of Social Sciences,
- İlter, F. (2008)., “Opening Speech”, EU acquis International symposium: “Occupational Health and Safety and Environment”, TİSK Publication, Ankara.
- Makal, A., (1999). Labour Relations in Turkey During Single-Party Period, Imge bookshop, İstanbul.
- Piyal, B., (2009). Adaptation Problem to European Nation in Occupational Health and Safety, City-Work Union, Ankara.
- Stefaan, H., (2001). EU’s Social Policy and Adaptation of Turkey, , İKV Publication, İstanbul.
- Talas, C., (1992). Turkey’s Expository Social Politics History, Bilgi Publication İstanbul.
- Yılmaz, F. (2007). “Pursuing Model in OHS Education in our Country”, Journal of Occupational Health and Safety, (35): 34-36.
- Official Gazette (OG) (<http://www.resmi-gazete.org/04.4.2011>)
- OG, 06.04.2004, p. 25425.
  - OG, 05.04.2004, p. 25434.
  - OG, 03.03.2004, p. 25391.
  - OG, 01.09.1971, p. 13943.
  - OG, 28.04.2004, p. 25446.
  - OG, 04.12.2009, p. 27422.
  - OG, 05.03.2004, p. 25393.
  - OG, 07.04.2004, p. 25426.
  - OG, 15.08.2009, p. 27320.
  - OG, 16.06.2004, p. 25494.
  - OG, 31.12.2008, p. 27097
  - OG, 06.04.2004, p. 25425.
  - OG, 09.12.2003, p. 25311.

### EU Legislation

(<http://www.dtm.gov.tr/dtmweb/index.cfm?action=detay&dil=TR&yayinid=1130&icerikid=1236&from=home/06.04.2011>)

Council Directive(2062/94),dated 18 July 1994, related to Europe Occupational Health and Safety Agent.

26 May 1975 dated law related to the Foundation for The Improvement of Living and Working Conditions (1365/75) 19 September 2003 dated Law about European Profession Diseases (2003/670/EC).

12 June 1989 dated, Council Directive related to Taking Precautions that Supports the Safety and Development of the Health of Workers at Work, 89/391/EEC

The Council Directive related to arranging working hours in order to protect Occupational health and safety (2003/88/EC).

The Council Directive related to programme 2007-2013 (PROGRESS) for employment and solidarity (1672/2006/EC).